FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.464 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.S.Shitole APP for the appellant.

Coram : R.S.Mohite,J

Date : 28.03.2006.

PC

1. This is an appeal filed by the State against acquittal of the accused for offences punishable under Sections 39 & 44 of the Indian Electricity Act and 379 of the Indian Penal Code. Perusal of the impugned judgment and order indicates that the same has been passed on cogent and acceptable reasons. The accused is said to have stolen electricity by taking illegal electric supply to his residential premises through a cable wire in the meter in his shop. It appears that in the course of the evidence the panch

witness Shakil Shaikh Jan Mahamad did not support the prosecution case about seizure of the cable and electric wire. PW-1 Sharad Chaudhary who was a junior engineer and who according to the complainant accompanied him at the time of the incident did not depose about use of the cable wire by the accused for taking illegal electric supply. The prosecution did not produce any documentary proof to show that house no.559 was owned by the accused or that there was a meter standing in the name of the accused under the stair case. Putting of the paper seal to the brass bar is also not deposed to by the complainant. In the circumstances, the view taken is a possible view. Hence, leave is refused. Consequently, appeal to stand dismissed.

(R.S.Mohite,J)